REMARKS

The application has been reviewed in light of the Office Action dated December 23, 2004. Claims 1-50 are pending in this application, with claims 1, 25, 45, 46, 49 and 50 being in independent form. By the present Amendment, claims 1, 4, 6-7, 9-10, 25-26, 28, 32, 34, 40, 45, 49, and 50 have been amended to attend to formal matters not effecting the scope of the claims and for reasons unrelated to patentability. It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

Claims 1-44, 49 and 50 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claims 1, 25, 49 and 50 have been amended with specific attention to the points raised in the Office Action to expedite examination of the present application and for reasons completely unrelated to patentability. It is believed that the formal changes made to these claims also address the Section 112, second paragraph rejections to Claims 2-24 and 26-44. Accordingly, withdrawal of the rejection under Section 112, second paragraph, is respectfully requested.

Claims 1-7, 12, 13, 17, 24-27, 29, 31, 40, 44-50 were rejected under 35 U.S.C § 103(a) as allegedly obvious from U.S. Patent No. 6,182,110 to Barroux in view of U.S. Patent No. 6,300,863 to Cotichini. Claims 8, 14, 15, 18, 20, 21, 28-30 and 32-35 were rejected under 35 U.S.C. §103(a) as allegedly obvious from Barroux and Cotichini in further view of U.S. Patent 5,781,908 to Williams et al. Claims 10, 11 and 36 were rejected under Section 103(a) as allegedly obvious from Barroux and Cotichini in further view of U.S. Patent 6,160,988 to Shroyer. Claims 16 and 41 were rejected under Section 103(a) as allegedly obvious from Barroux and Cotichini in further view of U.S. Patent 6,323,882 to Jerome et al. Claims 22, 42 and 43 were rejected under Section 103(a) as allegedly obvious from Barroux and Cotichini in further view of U.S. Patent 5,819,263 to Bromley et al. Claim 23 was

rejected under Section 103(a) as allegedly obvious from Barroux, Cotichini and Bromley in further view of U.S. Patent 5,537,550 to Russell et al. Claims 37-39 were rejected under Section 103(a) as allegedly obvious from Barroux and Cotichini in further view of Russell et al. Applicants have carefully considered the Examiner's comments and the cited art, and respectfully submit independent claims 1, 25, 45, 46, 49 and 50 are patentably distinct from the cited art, for at least the following reasons.

Amended independent claim 1 relates to a job scheduling device for scheduling jobs to run on at least one node of at least one computing platform. The device comprises an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent, a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of said nodes, and a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent and to submit the allocated jobs to said at least one enterprise scheduling agent. Because basic scheduling devices do not "provide appropriate service between multiple computing platforms in a networked environment" (Page 2, lines 14-16), the job scheduling device of the present application provides job scheduling services across multiple computing platforms and controls the execution of a job submitted (Page 2, lines 21-25).

Regarding Claim 1, the Office Action admits that Barroux fails to teach an enterprise scheduling agent installed on each node. Nevertheless, the Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cotichini with Barroux because utilizing independent agents on each node gives the system the efficiency to schedule different tasks for their specific node. Applicants respectfully submit that, even combining Barroux with Cotichini, would not teach or suggest the subject

matter of amended independent claim 1.

Barroux, as understood by Applicants, relates to a system for scheduling tasks on a network. A user can schedule node-specific survey tasks across the network without specifying particular times for each node. However, Barroux is not understood to teach or suggest a device for scheduling jobs to run on nodes comprising an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent, a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of said nodes, and a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent and to submit the allocated jobs to said at least one enterprise scheduling agent, as recited in amended independent claim 1.

For example, Barroux is not understood to teach or suggest a device for scheduling jobs to run on nodes comprising an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent. The portions of Barroux cited in the Office Action discuss "an integrated resource" that queries a database and computes a schedule of tasks to be executed. (Barroux, Column 4, lines 20-22).

According to Barroux, an integrated resource is a tool used for collecting and managing survey information about nodes of a network. (Barroux, Column 3, lines 60-61). As understood by the Applicants, the integrated resource of Barroux simply "collects and analyzes information about nodes of [a] network and returns that information to [an] asset database." (Barroux, Column 4, lines 28-30). However, the integrated resource is *not* an enterprise scheduling agent installed on each node.

Cotichini, as understood by the Applicants, relates to a method and apparatus to monitor and locate an electronic device using a secured intelligent agent via a global network.

However, Cotichini does not disclose or suggest that any of its teachings could or should be used for scheduling jobs to run on at least one node of at least one computing platform. Furthermore, Cotichini does not teach or suggest a job scheduler configured to allocate at least one job based on the parameters to at least one enterprise scheduling agent and to submit the allocated jobs to the at least one enterprise scheduling agent. Therefore, even assuming that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Barroux and Cotichini, the combination would nevertheless fail to teach or suggest every element of claims. For example, Barroux and Cotichini fail to teach or suggest a job scheduling device for scheduling jobs to run on at least one node of at least one computing platform, comprising, an enterprise scheduling agent installed on each node and configured to launch execution of jobs submitted to the enterprise scheduling agent, a presentation system configured to accept and validate parameters identifying at least one job to be submitted for execution on at least one of said nodes, and a job scheduler configured to allocate at least one job based on said parameters to at least one enterprise scheduling agent and to submit the allocated jobs to said at least one enterprise scheduling agent, as recited in amended independent claim 1.

Accordingly, Applicants submit that amended independent claim 1 is patentably distinct from the cited art. Independent claims 46, 49 and 50 and dependent claims 2-24 and 47 are believed to be patentably distinct for at least similar reasons.

Referencing claim 25, the Office Action contends that Barroux allegedly teaches "a method of scheduling jobs across multiple networked computing platforms, comprising: determining at least one job based on job parameters for at least one job to be scheduled, (e.g. col. 3, line 60 – col. 4, line 14); sending said at least one job to at least one enterprise scheduling agent maintained on a selected node of said computer platforms, (e.g. col. 5, lines

11-27); and executing each job on the selected node under management of said enterprise

scheduling agent, (e.g. col. 3, line 42 – col. 4, line 30 & col. 7, lines 4-9). The Office

Action admits that Barroux fails to teach an enterprise agent installed on each node.

Nevertheless, the Office Action asserts that it would have allegedly been obvious to one of

ordinary skill in the art at the time of the invention to combine Cotichini with Barroux

because utilizing independent agents on each node gives the system the efficiency to schedule

different tasks for their specific node. Applicants respectfully submit that, even combining

Barroux with Cotichini, the subject matter of amended independent claim 25 is not taught or

suggested.

Barroux is not understood by the Applicants to teach or suggest the subject matter

recited in claim 25. For example, Barroux is not understood to teach or suggest "executing

each job on the selected node under management of said enterprise scheduling agent." As

stated above, there does not appear to be any teaching or suggestion of an enterprise

scheduling agent in Barroux. Furthermore, as stated above, Cotichini does not disclose or

suggest that any of its teachings could or should be used for executing each job on the

selected node under management of the enterprise scheduling agent. Therefore, even

assuming that it would have been obvious to one of ordinary skill in the art at the time of the

invention to combine the teachings of Barroux and Cotichini, the combination would

nevertheless fail to show every element of the independent claim 25, because both Barroux

and Cotichini fail to teach or suggest a method of scheduling jobs across multiple networked

computing platforms, comprising, determining at least one job based on job parameters for at

least one job to be scheduled sending said at least one job to at least one enterprise scheduling

agent maintained on a selected node of said computer platforms, and executing each job on

the selected node under management of said enterprise scheduling agent, as recited in

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amended independent claim 25.

Independent claim 45 and dependent claims 26-44 are believed to be patentably distinct for at least reasons similar to claim 25.
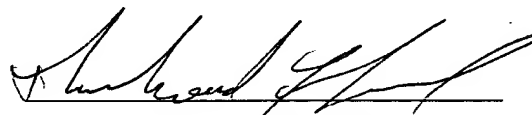
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,

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